IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14920US01)

In the Application of:

Anand Pande

Serial No.: 10/692 957

Filed: October 24, 2003

For: SYSTEM AND METHOD FOR DESIGNING

DATA STRUCTURES

Examiner: Richard B. Franklin

Group Art Unit: 2181

Transmitted via the Office electronic filing system

June 10, 2010.

REQUEST FOR RECONSIDERATION OF USPTO RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH

Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the patent term adjustment indicated in the enclosed print-out of the current United States Patent and Trademark Office (USPTO) patent term adjustment determination from PAIR and the Decision On Request For Recalculation Of Patent Term Adjustment In View Of Wyeth And Notice Of Intent To Issue Certificate Of Correction (PTOL-549G (04/10)) ("the Decision") mailed May 11, 2010, respecting the present application. This application for patent term adjustment is being filed within the later of one month or 30 days after the mailing date of the Decision.

This request is accompanied by the fee set forth in § 1.18(e) (\$200).

This request includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to verify the correct patent term adjustment.

The Applicant's calculated patent term adjustment is 337 days. The Decision reported a patent term adjustment of 294 days. Thus, the Applicant is requesting an increase in the patent term adjustment.

The basis under 37 CFR § 1.702 for the adjustment is as follows:

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the threeyear deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 1065 days, minus 1022 days consumed by an appeal, for a net adjustment of 43 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was October 24, 2003,
- the third anniversary of the actual filing date was October 24, 2006,
- the first request for continued examination of the application under 35 USC 132(b) was filed on September 23, 2009;

(Use if applicable) The patent term adjustment under the three-year rule was reduced by an appeal.

- review by the Board or a Federal court began on the date the Notice of Appeal was filed, i.e. October 5, 2006,
- the time consumed by review by the Board or a Federal court ended on the date of a Board of Patent Appeals and Interferences decision, i.e. July 23, 2009;
- the time consumed by the appeal thus ended on July 23, 2009, after an interval of 1022 days.
- The patent term adjustment under the three-year rule of 1065 days, reduced by appeal time of 1022 days, is thus 43 days.

Three Year Guarantee (35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation in	0
Recalculation Request	
Applicant Calculation	43

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the net patent term adjustment proposed by the Applicant is thus 337 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Dated: June 10, 2010

By: /Michael T, Cruz/ Michael T, Cruz Reg. No. 44,636 Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD. 500 West Madison Street Chicago, Illinois 60661 Telephone: (312) 775-8000

PATENT TERM ADJUSTMENT SPREADSHEET

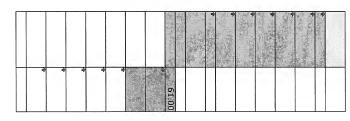
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Petition Decision - Granted	DATE	EVENT	PTO Delay	Appl. Delay
	5/6/2010	Petition Decision - Granted		
0 0 0	5/5/2010	Petition Entered		
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9 9 9		Application Is Considered		
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9 9 9	12/3/2009	Mail Notice of Allowance		
9 9	11/25/2009	Document Verification		
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9 9	11/23/2009	Verification Completed		
9	11/23/2009	GAU		
9		Examiner's Amendment		
	11/23/2009	Communication		
	10/8/2009	Date Forwarded to Examiner		
	10/8/2009	Date Forwarded to Examiner		

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•	*	Date Forwarded to Examiner	6/3/2007
	7	Appeal Brief Review Complete	6/3/2007
7	•	Examiner's Answer to Appeal Brief	7/23/2007
86.	86	Mail Examiner's Answer	7/30/2007
	##	Exam. Ans. Review Complete	9/30/2007
		Reply Brief Filed	10/1/2007
		Date Forwarded to Examiner	10/14/2007
		Reply Brief Noted by Examiner	11/9/2007
		Mail Reply Brief Noted by Examiner	11/14/2007
	11 T	Appeal Awaiting BPAI Docketing	3/11/2008
		Assignment of Appeal Number	4/1/2008
		Docketing Notice Mailed to Appellant	4/3/2008
		BPAI Decision - Examiner Affirmed	7/22/2009
-1022.00		Mail BPAI Decision on Appeal - Affirmed	7/23/2009
		PTA 36 Months	9/22/2009
		Workflow - Request for RCE - Begin	9/23/2009
1065.00		Request for Continued Examination (RCE)	9/23/2009
		Disposal for a RCE / CPA / R129	10/8/2009

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5/5/200/	Four months after Brief filed	
4/27/2007	Appeal Brief Filed	
	Request for Extension of Time	80
4/27/2007	Granted	
	Notice Defective Appeal	P
2/27/2007		
2/26/2007	Appeal Brief Review Complete	1
2/26/2007	Date Forwarded to Examiner	
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1/5/2007	Brief Filed	
1/5/2007	Appeal Brief Filed	*
	Request for Extension of Time	
1/5/2007	Granted	
10/24/2006	Three year date	
10/5/2006	Notice of Appeal Filed	61
	Request for Extension of Time -	
10/5/2006	Granted	
	Three months after Office	
8/5/2006	action	
	Mail Advisory Action (PTOL -	*
7/20/2006	303)	+
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7/12/2006	Date Forwarded to Examiner	3
	Amendment after Final	=>
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5/1/2006	Final Rejection	



7/27/2006	Date Forwarded to Examiner		
2/14/2006	Response after Non-Final Action		
1/14/2005	Mail Non-Final Rejection		
1/9/2005	Non-Final Rejection		
10/6/2005	Case Docketed to Examiner in GAU		
)/27/2005	Date Forwarded to Examiner		
)/23/2005	Response to Election / Restriction Filed		
)/19/2005	Mail Restriction Requirement	269	269.
)/16/2005	Requirement for Restriction / * Election		
3/5/2005	Case Docketed to Examiner in March CAU		
/27/2005	Case Docketed to Examiner in ** GAU	10	
5/28/2005	Case Docketed to Examiner in A		5
5/14/2005	Case Docketed to Examiner in A		*
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/8/2004	Transfer Inquiry to GAU		7

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10/692,957	SYSTEM FOR DES	IGNING DATA S	TRUCTURES	06-09- 2010::10:59:49
Patent Term	Adjustments			
Patent Term A	djustment (PTA) for	Application Numb	per: 10/692,957	
Filing or 371(c) Date:	10-24-2003	USPTO Delay (PTO) Delay (days):	
Issue Date of	Patent:	02-23-2010	Three Years:	
Pre-Issue Petit	ions (days):	-	Applicant Delay (APPL) Delay (days):	
Post-Issue Pet	itions (days):	-	Total PTA (days):	294
USPTO Adjusti	ment(days):	-	Explanation Of Calculations	
Patent Term	Adjustment His	tory		
Date	Contents Descrip	tion	PTO(Days)	APPL(Days)
05-06-2010	Petition Decision -	Granted		
05-05-2010	Petition Entered			
02-23-2010	Recordation of Pat	ent Grant Mailed		
02-03-2010	Issue Notification I	Mailed		
09-22-2009	PTA 36 Months			
02-23-2010	Patent Issue Date	Used in PTA Calc	ulation	
01-11-2010	Dispatch to FDC			
01-04-2010	Response to Reaso	ons for Allowance		
01-09-2010	Application Is Cons	sidered Ready for	r Issue	
01-04-2010	Issue Fee Payment	t Verified		
01-04-2010	Issue Fee Payment	t Received		
12-03-2009	Mail Notice of Allov	vance		
11-25-2009	Document Verifica	tion		
11-23-2009	Notice of Allowanc	e Data Verificatio	n Completed	
11-23-2009	Case Docketed to	Examiner in GAU		
11-23-2009	Examiner's Amend	ment Communic	ation	
10-08-2009	Date Forwarded to	Examiner		
10-08-2009	Date Forwarded to	Examiner		
09-23-2009	Request for Contin	ued Examination	(RCE)	
10-08-2009	Disposal for a RCE	/ CPA / R129		
09-23-2009	Workflow - Reques	t for RCE - Begin	1	
07-23-2009	Mail BPAI Decision	on Appeal - Affir	med	
07-22-2009	BPAI Decision - Ex	aminer Affirmed		
04-03-2008	Docketing Notice N	Mailed to Appellar	nt	
04-01-2008	Assignment of App	eal Number		
03-11-2008	Appeal Awaiting Bl	PAI Docketing		
11-14-2007	Mail Reply Brief No	ted by Examiner		
11-09-2007	Reply Brief Noted	by Examiner		
10-14-2007	Date Forwarded to	Examiner		
10-01-2007	Reply Brief Filed			
09-30-2007	Exam. Ans. Review	v Complete		

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07-30-2007	Mail Examiner's Answer	86
07-23-2007	Examiner's Answer to Appeal Brief	•
06-03-2007	Appeal Brief Review Complete	•
06-03-2007	Date Forwarded to Examiner	•
04-27-2007	Appeal Brief Filed	•
04-27-2007	Request for Extension of Time - Granted	•
02-27-2007	Notice Defective Appeal Brief	•
02-26-2007	Appeal Brief Review Complete	•
02-26-2007	Date Forwarded to Examiner	•
01-05-2007	Defective / Incomplete Appeal Brief Filed	•
01-05-2007	Appeal Brief Filed	•
01-05-2007	Request for Extension of Time - Granted	
10-05-2006	Notice of Appeal Filed	
10-05-2006	Request for Extension of Time - Granted	
07-20-2006	Mail Advisory Action (PTOL - 303)	
07-18-2006	Advisory Action (PTOL-303)	
07-12-2006	Date Forwarded to Examiner	
07-05-2006	Amendment after Final Rejection	
05-05-2006	Mail Final Rejection (PTOL - 326)	
05-01-2006	Final Rejection	
02-27-2006	Date Forwarded to Examiner	
02-14-2006	Response after Non-Final Action	
11-14-2005	Mail Non-Final Rejection	
11-09-2005	Non-Final Rejection	
10-06-2005	Case Docketed to Examiner in GAU	
09-27-2005	Date Forwarded to Examiner	
09-23-2005	Response to Election / Restriction Filed	
09-19-2005	Mail Restriction Requirement	269
09-16-2005	Requirement for Restriction / Election	•
08-05-2005	Case Docketed to Examiner in GAU	1
07-27-2005	Case Docketed to Examiner in GAU	1
06-28-2005	Case Docketed to Examiner in GAU	•
06-14-2005	Case Docketed to Examiner in GAU	•
06-21-2004	IFW TSS Processing by Tech Center Complete	•
06-21-2004	Case Docketed to Examiner in GAU	•
06-17-2004	Transfer Inquiry to GAU	•
06-17-2004	Transfer Inquiry to GAU	•
06-08-2004	Transfer Inquiry to GAU	•
01-30-2004	Application Return from OIPE	•
01-30-2004	Application Return TO OIPE	•
01-30-2004	Application Dispatched from OIPE	1

01-30-2004	Application Is Now Complete	企
01-22-2004	Cleared by OIPE CSR	•
01-19-2004	IFW Scan & PACR Auto Security Review	1
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MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661 Mail Date: 05/11/2010

Applicant : Anand Pande Patent Number : 7668983 Issue Date : 02/23/2010 Application No: 10/692,957 Filed : 10/24/2003 : DECISION ON REQUEST FOR : RECALCULATION OF PATENT : TERM ADJUSTMENT IN VIEW : OF WYETH AND NOTICE OF INTENT TO

: OF WYETH AND NOTICE OF INTENT TO : ISSUE CERTIFICATE OF CORRECTION

The Request for Recalculation is GRANTED to the extent indicated.

The patent term adjustment has been determined to be ${\bf 294}$ days. The USPTO will suasponte issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154 (b) (3) (B) (ii) and 37 CFR 1.322(a) (4). No extensions of time will be granted under 37 CFR 1.362.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.